

30-Day Ouster Is Required for Monthly Tenant

Appellate Court Holds Landlord Cannot Sue for Use of Premises Unless He Had Issued a Warning

Bronx Rents Reported Up

Profiteers Still at Work, but Increased Costs Are Held to Blame in Many Cases

Protection for rent payers was given in an opinion handed down yesterday by the Appellate Term of the Supreme Court in Brooklyn. The court held that a month-to-month tenant must be served by the landlord with thirty days' notice that the latter intends to terminate the tenancy and that the landlord may not sue the tenant for use and occupancy of the premises unless this notice has been given.

The opinion was written by Justice Charles Kelby and concurred in by Justices Cressy and Lazzarini. The case decided was brought before the Appellate Division on an appeal from the Municipal Court by Richmond Weed, a lawyer, of 154 Nassau Street, Manhattan, to recover \$721 from Matthey W. Carewell, Weed's tenant at 61 Sanford Avenue, Flushing, Queens.

"The original agreement or lease having expired, the tenant holds over by force of the statute in the absence of any new agreement," said the opinion. "Even if the tenant makes a new agreement he can attack the rent reserved as unjust and unreasonable on the first day that the rent accrues. Under these circumstances there is no necessity of the landlord notifying the tenant that after the expiration of his term use and occupancy will be at an increased rate."

Rule for Monthly Tenants
"In the case of tenancies from month to month, or monthly tenancies, a different rule applies. Under the terms of Chapter 284, Laws of 1920, such a tenant, in the absence of service of the notice to quit therein provided for, has the right to occupy the premises for another month at the same rent."

"If, therefore, a landlord wishes to sue a monthly tenant or a tenant from month to month for use and occupancy or upon an implied agreement for an increased rental he must serve the tenant with a thirty days' notice stating that he elects to terminate the tenancy. In the absence of such notice the landlord can recover from the tenant only the former monthly rent agreed upon."

Landlords in the Bronx are increasing rents, according to Justice Peter A. Shiel, of the Municipal Court of Bronx County. The same view was expressed by Justices Kelby, Scanlan and Morris. The four justices said they did not look for a decline in rents in the Bronx for at least six months. They agreed the landlords were not entirely at fault, being confronted with increased costs.

Profiteers Still Operating
"The profiteering landlord is still with us, but his post-war methods are different," said Justice Shiel. "He is not getting the increases he formerly asked for, but he is getting increases all of the time, and his tenants are forced to help swell his profits."

Justice Shiel urged prompt action by the Legislature on the amendments to the rent law. If the laws were extended and strengthened, he said, a break in high rents might be expected within six months.

When the Lockwood committee comes to investigate housing conditions in the Bronx, it was said by Martin Burke, clerk of the 24 Municipal Court, figures would be submitted to show the expense the city had during the last year tax exempt buildings to the value of \$72,150,739 were erected in the Bronx, the tenants paid higher rents than a year ago.

The Tenant House Commission's figures show that in December, 1920, apartments rented for an average of \$6.83 a room. At the close of 1921 the rent for the same room reached \$9.33.

Boy, 5, Slain by Brother As Gun Is Discharged

Youth Accidentally Killed as Lad, 12, Seeks to Protect Children From Injury

Thomas Pantajo, five years old, was accidentally shot and killed in his home, 536 Fifth Avenue, Brooklyn, yesterday, by his twelve-year-old brother Joseph.

William Pantajo, seven years old, found a revolver which his mother kept in her room, and was unloading it when Joseph discovered him. The older brother, after admonishing William, took the weapon from him and began to replace the cartridges in the chamber.

Thomas was standing in front of his brother. As Joseph pushed the last cartridge into the chamber it stuck in an attempt to force it, the hammer fell, discharging the cartridge. The bullet struck the youngest brother in the heart.

"He didn't fall," Joseph said in telling the police of the shooting. "He just walked around and then went over to the sofa, got on it, and then we couldn't wake him up."

The child was pronounced dead by an ambulance surgeon summoned from the Methodist Episcopal Hospital.

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Guardsmen Sent to Jail For Absence From Drill

Action of Jersey Command Declared to Aim at Stricter Discipline

Four members of the New Jersey National Guard, who make their homes in Elizabeth, have been sentenced to the county jail for violation of Article of War 61. According to reports here, these arrests are the first in a crusade to establish stricter military discipline in the National Guard.

Those arrested were Eugene F. Lutz, of 730 Eugenia Place; Andrew J. Kranich, of 358 Bond Street; Andrew W. Nodge, of 240 Pine Street; and Michael J. C. Golden. They were taken into custody by deputies of Sheriff Johnson, and, according to the findings of courts martial, have been guilty of absenting themselves from drills of the organizations to which they are attached. The charges were brought by Major C. E. Winterton, temporary commander of the 2d Battalion, 115th Infantry.

Lutz has been sentenced to twenty-five days and Golden, Kranich and Nodge to ten days each.

Harrison All "Het Up" Over Hays Film Offer

Mississippi Senator Fears He Would Use Job to Censor Democratic Pictures

From The Tribune's Washington Bureau
WASHINGTON, Jan. 7.—Senator Harrison, of Mississippi, a Democrat, sees visions of something sinister in the fact that Postmaster General Will H. Hays has been offered \$150,000 a year to head the motion picture industry. In a speech in the Senate this afternoon, Senator Harrison expressed a fear that in becoming the head of the motion picture industry Mr. Hays would use his authority to censor Democratic pictures, or pictures not helpful to the Republican party.

"Why is Mr. Hays selected by the motion picture industry to be its business and policy director at a fabulous salary?" Senator Harrison asked. "Is it because he is close to the powers that be? Is it because he controls thousands of postmasters throughout the country?"

He expressed wonderment whether Mr. Hays was chosen because it was expected he would influence tariff legislation affecting importation of films or supplemental tax legislation affecting the industry.

Pointing out that Mr. Hays was saying he had not decided whether he would accept, Senator Harrison said: "Accept? Why of course he's going to accept."

Removal of Brain Tumor May Reform Ex-Convict

Physicians at Sing Sing prison hospital are hopeful that an operation performed yesterday in Bellevue Hospital for the removal of a tumor from the brain of John Amishosky, a former Sing Sing prisoner, will cure him of criminal tendencies.

Amishosky voluntarily returned to Sing Sing two months ago and became a patient in the prison hospital to wait for the tumor to enlarge and get nearer the surface of the skull. He was taken to Bellevue on Thursday.

When the operation, which was performed only with the aid of local anesthetics by Dr. Joseph E. King, a specialist, had been declared successful, Dr. Amos O. Squire, head prison physician, said: "On looking up the prison records I found that when Amishosky was convicted he was suffering from brain trouble. It made him very irritable. I think this tumor may have been the cause of his criminal acts and that the operation may cure him of any criminal tendencies."

To Speak on Arms Parley
Specially qualified post-graduate students at Columbia University will be organized into a flying squadron to address various civic organizations on the developments of the disarmament conference at Washington. It was announced yesterday. Five men already have been accepted for the squadron. These men will speak before organizations within a radius of fifty miles of this city. The action was taken after several requests had been received for speakers.

15 Men With Riot Guns Help Sheriff Evict a Family

Crowd Vanishes as N. J. Officer Returns With Band; Duty Performed, He Rents Home for Mother of Seven

SOMERVILLE, N. J., Jan. 7. Sheriff Bogart T. Conkling, of Somerset County, had to call upon fifteen men with riot guns to aid him this afternoon in evicting a family from their home at Manville, three miles from here. Sheriff Bogart is facing a threatened charge of contempt of court for not having acted more promptly.

No one was hurt in the eviction of Jan Bires, his wife and seven children, although thirty armed men from the Johns-Manville factory were gathered to oppose the eviction.

The action leading to the eviction was commenced about seven weeks ago by Frank A. Gahres, who sued Bires for \$50 for work done. He got a judgment for this amount, and when Bires did not pay, a mortgage on the house was foreclosed and Gahres bought the property. After an unsuccessful attempt to obtain possession he gained an order to evict the Bires family, and Sheriff Conkling was ordered to carry it out.

Conkling found, on investigation, that the Bires family was in need. He delayed serving of the notice. Father Katrowski and many employees of the factory pleaded with him not to serve it. Conkling, however, had his duty to perform. He said that he would rent a house for the family and have them moved. The family did not care to move.

This morning Conkling went to evict the family. When he arrived the crowd of men was waiting. They told him that if he made any move to evict away and returned with fifteen deputies. The crowd had gone.

The furniture and the children were moved to the house Conkling had rented. Mrs. Bires joined them. Bires put up a fight and had to be taken there.

Philadelpha Church Burned

PHILADELPHIA, Jan. 7. Norris Square Methodist Episcopal Church, Mather Street near Squashbarn Avenue, a land mark among Methodist churches here, was destroyed by fire today. The loss is about \$50,000.

Wells Says Bootleggers' Days Here Are Numbered

Believes Prohibition Is Fixture in U. S.; Sails on Adriatic for Mediterranean Cruise

The White Star liner Adriatic, booked to capacity, sailed yesterday on a cruise through the Mediterranean and to the Levant. Her last outboard port of call will be Alexandria, Egypt.

Among the travelers was H. G. Wells, the novelist, who has been here writing his impressions of the arms limitation conference in Washington. He left America, he said, with the impression that the American people are a sensible lot and that the time is not far away when they will refuse to be humbugged.

Mr. Wells said he was sure that prohibition is a fixture in America and that the days of the bootlegger are numbered. He also made the observation that the places he visited, chiefly Washington, where he passed most of his time, could not be classified as dry.

Another traveler on the Adriatic was Winchell Smith, the playwright, who will leave the vessel at Monaco.

Among others on board were Mr. and Mrs. Adolph S. Ochs, Major and Mrs. McMurtry, Marc Klaw, Mrs. Al Hayman and Irving Berlin.

Chicago Music Director Held After Girl Takes Poison

CHICAGO, Jan. 7.—Tarquino Mazzari, for five years an assistant director of the Chicago Grand Opera Company orchestra, was held by the police for questioning last night after Miss Corda Buechler, nineteen, formerly of Milwaukee, swallowed poison and left a note blaming that orchestra leader for her troubles. Miss Buechler was taken to the county hospital, where, it is said, she has a chance to recover.

Mazzari said he never had seen the young woman until yesterday afternoon, when she tapped on his door and asked him for money.

Philadelphia Church Burned

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the remainder of this season's French importations; featuring many novel and beautiful color combinations, as well as extremely handsome effects in all-black

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(for Monday and Tuesday) will offer extraordinary values in dainty, hand-embroidered undergarments; including

PHILIPPINE LINGERIE

(hand-made throughout)

Nightrobes	\$1.75, 2.65, 2.90, 3.75
Envelopes	1.75, 2.50, 2.65, 2.90
Drawers	1.10, 1.25, 1.65
Corset Covers	1.65, 1.90
Combinations	3.25, 3.90
Petticoats	2.65, 3.90

(Second Floor)

An Important Offering of Inexpensive Summer Curtains

will consist of 1,000 pairs of dainty window draperies, featuring fabrics and qualities that will appeal to every housewifely woman; particularly at

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Marquisette Curtains, hemstitched, per pair \$1.35

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In the Linen Department

All-linen Damask Table Cloths each . . . \$5.25, 7.75, 9.75, 12.50

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All-linen Room Towels (hemstitched) per dozen \$7.50, 8.75, 10.50, 11.50

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All-linen Sheets (hemstitched) per pair . . . \$10.50, 14.50, 19.50

All-linen Pillow Cases (hemstitched) per pair . . . \$2.25, 3.25, 4.00

In the Blanket Department

All-wool Blankets

White

per pair . . . \$11.75, 14.50, 17.50

Plaid per pair 7.50

Comfortables

Figured cambric (one side bordered) wool-filled . . . each \$6.50

Plain-colored dotted silk tussah, wool-filled each \$10.75

Bedspreads

Crochet (extra size) . . . \$2.75

Satin-finish (scallop)

Size 2 x2 3/4 yards . . . each \$5.25

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